

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>DARYL COOK,</b>	:	
	:	
	:	
<b>Plaintiff,</b>	:	
	:	
	:	
<b>v.</b>	:	
	:	
	:	
<b>CITY OF PHILADELPHIA, et al.,</b>	:	<b>CIVIL ACTION</b>
<b>Defendants.</b>	:	<b>NO. 17-0331</b>
	:	

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**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2019, upon consideration of Plaintiff's Motion for Default Judgment or Extraordinary Relief, and the response thereto, it is hereby **ORDERED** that Plaintiff's Motion is **DENIED**.

**SO ORDERED:**

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Robreno, J.

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>DARYL COOK,</b>	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>CITY OF PHILADELPHIA, et al.,</b>	:	<b>CIVIL ACTION</b>
<b>Defendants.</b>	:	<b>NO. 17-0331</b>
	:	

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**DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR DEFAULT  
JUDGEMNT OR EXTRAORDINARY RELIEF**

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Defendant, Amanda Shoffel, Esq. (“Defendants”), through her attorney, Meghan E. Claiborne, Esq., hereby file this Opposition to Plaintiff’s For Default Judgment or Extraordinary Relief.

On April 4, 2018, Defendant filed a motion for summary judgment as to all remaining claims in this case (“Motion for Summary Judgment”). Dkt. 5. Plaintiff responded on December 27, 2018. Dkt. 60. The Motion for Summary Judgment remains pending.

A telephone conference was held on March 26, 2019. Dkt. 63. Subsequently, the Court issued a rule to show cause as to why Plaintiff’s claims should not be dismissed for either lack of subject matter jurisdiction under *Rooker-Feldman* or for being precluded by *res judicata* or collateral estoppel. Dkt. 64.

Defendant filed an answer to the rule to show cause on May 17, 2019 (“Answer”). Dkt. 67. A copy of the Answer was served on Plaintiff that day. *See* Dkt. 69. Following receipt of several phone calls from Plaintiff that he had not yet received a copy of the filing, a second copy of the Answer was served on Plaintiff on May 30, 2019.

On June 24, 2019, Plaintiff filed a motion for default judgment or extra-ordinary relief on the grounds that Defendant had not yet served a copy of the Answer. Dkt. 72.

Plaintiff filed a response to the rule to show cause on June 26, 2019. Dkt. 73.

Defendant has twice served Plaintiff with the Answer at the appropriate address. As such, Defendant requests the Court deny Plaintiff's motion.

Date: June 27, 2019

Respectfully submitted,

/s/ Meghan E. Claiborne

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<b>DARYL COOK,</b>	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
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	:	

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**CERTIFICATE OF SERVICE**

I hereby certify that the Opposition to Plaintiff's Motion for Default Judgment or Extraordinary Relief has been filed on ECF and is available for viewing and downloading.

In addition, I certify that I have caused a copy to be served via first class mail on the following:

Daryl Cook  
JR-8653  
SCI-Coal Township  
1 Kelley Drive  
Coal Township, PA 17866  
*Pro Se Plaintiff*

Date: June 27, 2019

/s/ Meghan E. Claiborne

Meghan E. Claiborne  
Deputy City Solicitor